



January 29, 1999

## SENATE BILL No. 341

DIGEST OF SB 341 (Updated January 27, 1999 10:41 pm - DI 51)

**Citations Affected:** IC 34-6; IC 34-16; IC 34-24; noncode.

**Synopsis:** Damages for bad gaming checks. Reduces the amount that may be recovered in a civil action for a loss resulting from a crime related to a riverboat gaming debt, pari-mutuel betting debt, or charity gaming debt from three times the amount of the loss to the actual amount of the loss. Eliminates the duty of a prosecuting attorney to file an action to recover, on behalf of a person's dependent children or the common school fund, a person's gaming losses incurred as a result of riverboat gaming, pari-mutuel betting, or charity gaming.

**Effective:** Upon passage; July 1, 1999.

**Kenley, Alexa**

January 11, 1999, read first time and referred to Committee on Judiciary.  
January 28, 1999, amended, reported favorably — Do Pass.

SB 341—LS 7062/DI 51+



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January 29, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE BILL No. 341

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 34-6-2-48.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON PASSAGE]: **Sec. 48.5. "Gaming debt", for purposes of**
- 4 **IC 34-24-3 and IC 34-16-1-4, means a debt arising from the**
- 5 **extension of credit by a licensed owner to a patron for the purpose**
- 6 **of having the patron place a bet or wager on a race authorized**
- 7 **under IC 4-31, an allowable event authorized under IC 4-32, or a**
- 8 **gambling game authorized under IC 4-33.**
- 9 SECTION 2. IC 34-6-2-73.5 IS ADDED TO THE INDIANA CODE
- 10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 11 UPON PASSAGE]: **Sec. 73.5. "Licensed owner", for purposes of**
- 12 **IC 34-24-3, means any of the following:**
- 13 (1) A permit holder (as defined in IC 4-31-2-14), owner (as
- 14 defined in IC 4-31-2-11), or other licensee (as defined in
- 15 IC 4-31-2-10).
- 16 (2) A licensee under IC 4-32, an operator (as defined in
- 17 IC 4-32-6-17), or a worker (as defined in IC 4-32-6-24).

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1           **(3) A licensed owner (as defined in IC 4-33-2-13) or other**  
2           **licensee (as defined in IC 4-33-2-12).**

3           SECTION 3. IC 34-16-1-4 IS AMENDED TO READ AS  
4           FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. **(a) This section**  
5           **does not apply to a gaming debt.**

6           **(b)** If, within the one hundred eighty (180) day period, the person  
7           fails to sue or to effectively prosecute the action, the prosecuting  
8           attorney of the county shall bring a civil action to recover the money or  
9           other property so lost and delivered, in the name of the state and for the  
10          benefit of:

11          (1) the person's dependent children who are less than eighteen

12          (18) years of age and the person's spouse; or

13          (2) if there are no children or spouse, the common school fund.

14          SECTION 4. IC 34-24-3-5 IS ADDED TO THE INDIANA CODE  
15          AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
16          UPON PASSAGE] **Notwithstanding section 1(1) of this chapter, a**  
17          **licensed owner may not recover more than actual damages in an**  
18          **action under this chapter to recover a gaming debt.**

19          SECTION 5. [EFFECTIVE UPON PASSAGE] **IC 34-24-3-5, as**  
20          **added by this act, applies to all judgments entered after the**  
21          **effective date of this SECTION, regardless of when the cause of**  
22          **action accrued or commenced.**

23          SECTION 6. **An emergency is declared for this act.**

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 341, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 4, after "IC 34-24-3" delete "," and insert "**and IC 34-16-1-4,**".

Page 1, line 15, delete "IC 4-32-2-10)." and insert "**IC 4-31-2-10).**".

Page 2, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 3. IC 34-16-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) **This section does not apply to a gaming debt.**

(b) If, within the one hundred eighty (180) day period, the person fails to sue or to effectively prosecute the action, the prosecuting attorney of the county shall bring a civil action to recover the money or other property so lost and delivered, in the name of the state and for the benefit of:

(1) the person's dependent children who are less than eighteen (18) years of age and the person's spouse; or

(2) if there are no children or spouse, the common school fund."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 341 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 6, Nays 1.

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